

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

SUSAN HARMON,  
LARRY HARMON,

Plaintiffs,

v.

AMERICAN MEDICAL SYSTEMS, INC.,  
ETHICON, INC., JOHNSON & JOHNSON,

Defendants.

MDL 2325

NO. 2:12-CV-07411

**FEB 21 2019**

**GRANTED and SO ORDERED**



**JOSEPH R. GOODWIN**  
**UNITED STATES DISTRICT JUDGE**

**JOINT MOTION TO DISMISS DEFENDANT  
AMERICAN MEDICAL SYSTEMS, INC. WITH PREJUDICE  
AND PLAINTIFFS' MOTION TO TRANSFER MDLS**

Plaintiffs in the above-captioned case and defendant American Medical Systems, Inc. ("AMS") advise the Court that they have compromised and settled all claims between them in this action, including all counterclaims, cross-claims and third party claims. Accordingly, they jointly move the court to dismiss AMS as a defendant in this action with prejudice, parties to bear their own costs.<sup>1</sup>

Other defendants remain in this action, and plaintiffs will continue to pursue this action against them. To that end, an Amended Short Form Complaint has been or will be filed against the remaining defendants.

Further, plaintiffs move to transfer this action from MDL 2325, In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2327. Plaintiffs herein filed a Complaint or Short Form Complaint in MDL 2325 against American Medical Systems,

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<sup>1</sup> The parties jointly move to dismiss AMS, Inc. with prejudice and terminate it from the Court's docket in this matter; the signatures for AMS on this motion relate only to the joint motion. The motion to transfer is made only by the plaintiffs.

Inc., and others. Within fourteen (14) days of the filing of this *motion*, plaintiffs will file an Amended Short Form Complaint that no longer includes American Medical Systems, Inc. as a named defendant.

Because American Medical Systems, Inc. is no longer a named defendant in this case, plaintiffs respectfully request that the Court: 1) GRANT the plaintiffs' motion to transfer this action from MDL 2325 to MDL 2327; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2325 and re-associate it with MDL 2327.

Respectfully:

/s/ Barbara Binis

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Dated: October 29, 2018